

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. By this amendment, claims 47-49, 67-69, 87, 88 and 90-92 have been amended. Accordingly, claims 47-49, 67-69, and 87-93 are pending in this application.

Claims 47-49, 67-69, and 87-93 have been amended to change the description of "specific data" to "identification data", which is originally presented. Additionally, the description, "which is different from the apparatus identifier and which is used for judging whether an encrypted content stored in a content storage medium is normally decodable by the content processing apparatus", is added. These amendments find support in page 9, lines 16-21, page 10, lines 16-26 and page 19, lines 14-26 of the specification. Thus, it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

Accordingly, Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §112

The claims were objected to and claims 47-49, 67-69, 87, 88 and 90-92 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Specifically, the Examiner contends that the phrase "specific data" did not find support in the specification.

Response

Reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. §112, second paragraph, states that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

It is respectfully submitted that amended claims 47-49, 67-69, 87, 88 and 90-92 now particularly point out and distinctly claim the subject matter.

It is noted that the specification does include descriptions such as "specifying encrypted identification data in the authentication area using link information stored in the general area" (p. 32. lines 13-16). Nevertheless, for clarification, Applicants substituted the above amendments, which revert to the description of "identification data". This, in addition to the description, "which is different from the apparatus identifier and which is used for judging whether an encrypted content stored in a content storage medium is normally decodable by the content processing apparatus" is believed to overcome the claim rejections under 35 USC §112.

Rejections under 35 USC §102(e) and §103(a)

Claims 47, 49 and 87 were rejected under 35 USC §102(e) as anticipated by U.S. Patent Application Publication No. 2002/0031352 to Saito (hereinafter *Saito*). Claims 48, 67-69, 88, and 90-92 were rejected under 35 USC §103(a) as being unpatentable over *Saito* in view of U.S. Patent Application Publication No. 2003/0041221 to Okada (hereinafter *Okada*). Claim 89 was rejected under 35 USC §103(a) as being unpatentable over *Okada* as applied to claim 87 and further in view of U.S. Patent Application Publication No. 2005/0004875 to Kontio (hereinafter *Kontio*), and claim 93 was rejected under 35 USC §103(a) as being unpatentable over *Saito* and *Okada* as applied to claim 90 and further in view of *Kontio*.

Response

These rejections are traversed as follows. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

To establish a *prima facie* case of obviousness under 35 USC §103(a), the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

A *prima facie* case of obviousness must also include a showing of the reasons why it would be obvious to modify the references to produce the present invention. *See Dystar Textilfarben GMBH v. C. H. Patrick*, 464 F.3d 1356 (Fed. Cir. 2006). The Examiner bears the initial burden to provide some convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings. *Id.* at 1366.

The present application relates to a content processing apparatus that stores content in a storage medium and utilizes the content, and, using an apparatus identifier unique to the content processing apparatus, encrypts the "content" and "identification data" that is different from the "apparatus identifier".

Further, according to Applicants' specification, "encrypted content" and "encrypted identification data" are acquired by encrypting the "content" and "identification data", respectively, and they are stored in a content storage medium. Then, when the content storage medium is detached from the content processing apparatus, the "encrypted identification data" is

decoded. Therefore it is possible to determine in advance whether "encrypted content" is available in the content processing apparatus before decoding the "encrypted content." By this means, it is possible to prevent unnecessary processing of decoding unavailable encrypted content in the content processing apparatus. This finds support in, for example, page 17, lines 2 to 19 and page 18, lines 2 to 11 of the specification.

The present claims set forth the above in the recitation of:

"... a first storage section that stores therein an apparatus identifier unique to the content processing apparatus and identification data which is different from the apparatus identifier ... used for judging whether an encrypted content ... is normally decodable ... the identification data using the apparatus identifier ... the encrypted content and ... identification data in the content storage medium which is detachable from the content processing apparatus. (Claim 47; claims 67, 87 and 90 have similar descriptions.)

By contrast with this, *Saito* discloses decoding "voice data" and "image data" using two keys ("device ID" and "media ID" step 43 and step 45). Further, *Saito's* paragraph [0084] discloses that "if either the image data or voice data has not been decrypted normally, then reproducing processing is suspended." That is, although *Saito* discloses performing decoding processing with respect to "voice data" and "image data" encrypted using two keys ("device ID" and "media ID") every time, *Saito* does not disclose determining whether or not to decode one data according to the decoding result of the other data as correctly claimed.

As described above, *Saito* and the claimed subject matter are totally different with respect to their features, and *Saito* does not even suggest the features of the present subject matter, and, consequently, the features of the present subject matter cannot be derived from *Saito*. Therefore, the present subject matter is not the same as the *Saito* disclosure. In view of the above, claims 47, 49 and 87 are not anticipated under 35 U.S.C. §102(e).

Further, both *Okada* and *Kontio* fail to disclose or suggest the above-described features of the present subject matter.

Thus, no combination of *Saito*, *Okada* and *Kontio* discloses or suggests the above-described features of the present subject matter, and, consequently, even if these cited references are combined, the present subject matter cannot be derived by any combination of the references. That is, the present subject matter is non-obvious from the disclosures in these cited references, and therefore overcomes 35 USC §103(a).

Applicant respectfully request that the Examiner withdraw the rejections and the case be passed to issuance.

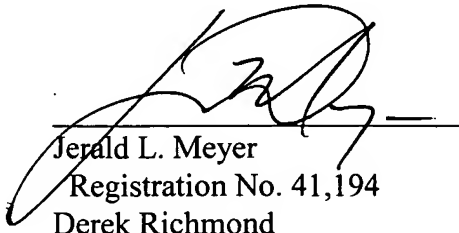
CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,
THE NATH LAW GROUP

February 11, 2009

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396



Jerald L. Meyer
Registration No. 41,194
Derek Richmond
Registration No. 45,771
Stanley N. Protigal
Registration No. 28,657
Customer No. 20529